

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL REGAN,

Defendants.

20-MJ-183-HKS

NOTICE OF MOTION

MOTION BY:

Fonda Dawn Kubiak, Assistant Federal
Public Defender, Attorney for
Michael Regan.

DATE, TIME & PLACE:

Before the Honorable H. Kenneth
Schroeder, Jr., United States Magistrate
Judge, Robert H. Jackson United States
Courthouse, 2 Niagara Square, Buffalo, New
York 14202 **on the papers.**

SUPPORTING PAPERS:

Affirmation of Fonda Dawn Kubiak, dated
April 2, 2021.

RELIEF REQUESTED:

Set a Rule 48(b) date in sixty (60) days.

DATED:

April 2, 2020, Buffalo, New York.

Respectfully submitted,

/s/Fonda Dawn Kubiak

Fonda Dawn Kubiak
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Federal Public Defender's Office
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(716) 551-3341; 551-3346 (fax)
fonda_kubiak@fd.org
Attorney for Michael Regan

TO: Caitlin Higgins
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

20-MJ-183-HKS

v.

AFFIRMATION

MICHAEL REGAN,

Defendants.

FONDA DAWN KUBIAK, ESQ., affirms under penalty of perjury that:

1. I am an attorney with the Federal Public Defender's Office located at 300 Pearl Street, Suite 200, Buffalo, New York 14202, and I represent the defendant, Michael Regan, in the instant matter.

2. Mr. Regan was charged by way of a Criminal Complaint. *See* Dkt. No. 1.

3. At the initial appearance, he waived his right to a preliminary hearing as the government indicated that it is already in the process of providing him with pre-indictment discovery. The government now has until April 9, 2021, to indict the case per 18 U.S.C. § 3161(b).

4. Defense counsel received the discovery sent by the government. The discovery is voluminous. Mr. Regan is also housed in Niagara County Jail which was previously locked down due to a COVID-19 outbreak. Counsel has now finally been able to review the discovery

with him, and has made a counter plea proposal to the Government. Assistant United States Attorney Caitlin Higgins was just assigned to this case in the past week.

5. Therefore, additional time is necessary for the parties to finalize a pre-Indictment resolution.

6. Based on the foregoing, the defense respectfully requests that this Court set a Rule 48(b) date, whereupon the Criminal Complaint will be dismissed, in approximately sixty (60) days.

7. The government does not object to this request.

8. Should a Rule 48(b) date be set, the parties agree that the Speedy Trial Act time is excluded from the filing of this motion to the Rule 48(b) date.

WHEREFORE, the defendant, Michael Regan, respectfully requests a Rule 48(b) date in approximately sixty (60) days.

DATED: April 2, 2020, Buffalo, New York.

Respectfully submitted,

/s/Fonda Dawn Kubiak

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